

REMARKS

2 In view of the following remarks, Applicant respectfully requests
3 reconsideration of claims 22-42 and allowance of the subject application.

4

5 **§102/§103 Rejections**

6 **Claims 22-42** are rejected under 35 U.S.C. §102(a) as allegedly being
7 anticipated by RealPlayer G2™ © 1998 (hereinafter, RealPlayer) as supported by
8 the screenshots (hereinafter “Screenshots”, “Screenshot [number]”, etc.) provided
9 with the original PTO-892 Notice of References cited mailed 9/25/02, and the
10 press release “Realnetworks Ships Final Release of Realsystem G2, Next
11 Generation Media Delivery System” (hereinafter “Press Release”) provided with
12 the PTO-892 Notice of References cited mailed 2/27/03. In the alternative, the
13 claims are rejected under 35 U.S.C. §103(a) as allegedly being obvious over
14 RealPlayer [supported by the Screenshots] and the Press Release. Applicant
15 respectfully traverses the rejections.

16

17 **Claim 22** as amended recites:

18 ...a display device for rendering *a graphical user interface of a Web*
19 *browser displaying Web page content in a browser pane*, and having at
20 *least one speaker for playing streaming media, the graphical user interface*
21 *of the Web browser comprising*:

22 a) a radio toolbar displaying radio-toolbar buttons for
23 controlling the streaming media *irrespective of the Web page content being*
24 *browsed*, the radio-toolbar buttons including... (Emphasis added.)

1 The Press Release discloses a media delivery system (i.e., RealPlayer;
2 specifically RealPlayer G2) that includes servers, players, and producers enabling
3 users to search and connect to a range of media content on the Web (Press Release;
4 page 1). A search capability incorporated into RealPlayer enables a user to search
5 Web pages limited to those Web pages that feature RealAudio and RealVideo
6 content. As will be clarified herein, this search is facilitated by launch of a *separate*
7 Web browser window that does not have media streaming capabilities.

8 A content panel within the user interface of RealPlayer allows a user to hear
9 and or view RealAudio and RealVideo content (Press Release; page 2, paragraph
10 "RealAudio and RealVideo Search"). If there is video content, it is displayed in a
11 display panel of the RealPlayer. The RealPlayer also includes an AutoUpdate feature
12 that notifies a user when a new update to RealPlayer is available.

13 The Screenshots (e.g., Screenshots 2, 3, 5) illustrate the user interface of
14 RealPlayer which includes control buttons for play, pause, stop, and volume. The
15 RealPlayer interface also includes a search bar to enter a search for RealAudio and
16 RealVideo content provided by Web pages that feature RealAudio and RealVideo
17 content. Screenshot 2 illustrates within the display panel (right half of Screenshot 2),
18 the AutoUpdate feature which provides a notification to the user regarding an
19 available update to RealPlayer and a prompt for the user to click on the notification
20 in order to update the player.

21 There is nothing in either the Press Release or the Screenshots that teaches or
22 suggests that RealPlayer's play, pause, stop, and/or volume button controls are used
23 for anything other than controlling RealAudio content or RealVideo content that is
24 currently playing on RealPlayer and which is currently being identified or displayed
25 within the display panel (right half of Screenshot 2). That is, there is nothing in the

1 Press Release or the Screenshots that teaches or suggests that any source of
2 streaming media is controlled *irrespective* of content displayed within the display
3 panel (right half of Screenshot 2). Thus, RealPlayer's play, pause, stop, and/or
4 volume button controls are used to control RealAudio content or RealVideo content
5 that is currently playing on RealPlayer and being identified or displayed within the
6 display panel (right half of Screenshot 2). RealPlayer's play, pause, stop, and/or
7 volume button controls are not used to control RealAudio content or RealVideo
8 content that is not currently being identified or displayed within the display panel.
9 To assist the Office in understanding the RealPlayer's operations, a screenshot of the
10 RealPlayer G2 is provided in Appendix A included with this Response.

11 Referring to Appendix A, the RealPlayer G2 interface includes a display
12 panel where visual parts of clips are show, if they exist, that are related to one of the
13 icons selected in the content panel located to the left of the display panel. If the
14 content chosen from the content panel does not include video, the display panel
15 remains static with the "real" emblem displayed therein. Picking one of the icons in
16 the content menu will begin a media stream (audio and/or video) that is played
17 through the RealPlayer. During streaming, if another icon in content panel is chosen,
18 the current media stream will stop and streaming media related to the another chosen
19 icon will commence.

20 The RealPlayer interface includes a search field immediately following the
21 "snap.com" reference. When a user of the RealPlayer enters text in this field and
22 selects the "Search" control button of the interface, a separate Web browser window
23 is rendered and the search commences. The Web browser is not part of the
24 RealPlayer interface. For example, the RealPlayer may launch Microsoft® Internet
25 Explorer to facilitate search of text entered into the search field.

1 The Office may notice that the display panel also includes a "click here"
2 option in the particular view shown in the Appendix A. If a user were to click on the
3 "click here" option, a separate Web browser window is rendered and a Web page is
4 displayed within the browser window.

5 The AutoUpdate feature of the RealPlayer functions in substantially the same
6 manner as the "click here" option shown in Appendix A. The AutoUpdate feature
7 provides a notification to the user that an update to RealPlayer is available. The
8 AutoUpdate feature prompts the user to click on the notification in order to update
9 the player. The AutoUpdate notification that appears in Screenshot 2 states that
10 "This service is no longer available in this version of the RealPlayer", and thereby
11 precludes the possibility that RealPlayer can be playing media during such an
12 AutoUpdate notification, because the notification itself is telling the user that the
13 desired media cannot be played by the current version of RealPlayer. The
14 AutoUpdate notification will occur when an icon from the content panel is selected
15 that has associated media that is not supported by the current RealPlayer version and
16 an update exists that allows streaming of such media. Thus, there is not a source of
17 streaming media that is controllable by any of the play, pause, stop, and/or volume
18 button controls during, or *irrespective* of, such an AutoUpdate notification being
19 displayed within the display panel (right half of Screenshot 2).

20 The RealPlayer interface further includes media controls that enable users to
21 stop, play and pause media that is being played by the player. The media controls
22 only control media currently being streamed by the player.

23 The above paragraphs describe in detail the operation of the RealPlayer G2.
24 Clearly the operational characteristics of the RealPlayer do not provide the
25 functionality of "*rendering a graphical user interface of a Web browser displaying*

1 *Web page content in a browser pane, and having at least one speaker for playing*
2 *streaming media, the graphical user interface of the Web browser comprising: a) a*
3 *radio toolbar displaying radio-toolbar buttons for controlling the streaming media*
4 *irrespective of the Web page content being browsed, the radio-toolbar buttons*
5 *including..." (Emphasis added; see claim 22.)*

6 The content of the RealPlayer display panel is always associated with
7 whatever media is being currently streamed by the player. Therefore, it cannot be
8 said that the RealPlayer media controls can control current streaming media
9 *irrespective of Web page content being browsed.* To achieve such a result, the
10 display panel would need the functionality of a Web browser, which it does not
11 have, and further would need to have access to content that *is not* related to media
12 being currently streamed by the player. It is unable to achieve this functionality as
13 well.

14 The Office admits that RealPlayer does not show (e.g., in the Screenshots)
15 that the radio toolbar of RealPlayer has at least one button for controlling the first
16 source of streaming media *irrespective of the Web page content being browsed*
17 (Office Action, page 3). The Office asserts, however, that the screenshots of
18 RealPlayer *imply* that the radio toolbar of RealPlayer has at least one button for
19 controlling the first source of streaming media *irrespective of the Web page content*
20 *being browsed.* As examples, the Office indicates that the "preset stations and the
21 *auto update feature are irrespective of each other", and that "the user of RealPlayer*
22 *may search the Web while playing the streaming media, as indicated by the 'excite'*
23 *and 'search' areas within screenshot 2."* The Office further relies on the Press
24 Release under the section, "RealAudio and RealVideo Search", as describing
25 integrating the RealPlayer with a Web browser. The detailed discussion of the

1 RealPlayer interface shown in Appendix A explains why the Office's assertions that
2 the RealPlayer implicitly teaches streaming media, irrespective of the Web page
3 content being browsed, are incorrect.

4 For the reasons articulated above, Applicant respectfully submits that the
5 RealPlayer [supported by the Screenshots] and the Press Release, whether taken
6 alone or in combination together, fail to teach or suggest the limitations of **claim**
7 22. The dependent claims are allowable by virtue of their dependency on
8 independent claim 22.

9
10 **Claim 35 as amended recites:**

11 ...a display device for rendering a graphical user interface of *a Web*
12 *browser*, the graphical user interface of the Web browser including a radio
13 toolbar, the method comprising:

14 *launching* an instance of the Web browser;

15 *creating a radio client upon the launching of the Web browser;...*

16 ...establishing *a shared memory* on the computer system between
17 the radio client and the radio server to maintain a current playback-state of
18 the radio server... (Emphasis added.)

19
20 In rejecting claim 35, the Office states "claims 29-42 are analyzed as
21 previously discussed with respect to claims 22-28." (See page 6 of the Current
22 Office Action.) Applicant has carefully considered the Office's comments of the
23 current Office Action, but specific comments directed toward the subject matter of
24 claim 35 were not found. In particular, nothing in the Office's comments
25 addresses the subject matter "*launching* an instance of the Web browser,"

1 "creating a *radio client* upon the launching of the *Web browser...*," and/or
2 "establishing a *shared memory* on the computer system between the *radio client*
3 and the *radio server* to maintain a *current playback-state* of the *radio server*."
4 Applicant respectfully requests that the Office show how the RealPlayer
5 [supported by the Screenshots] and the Press Release, whether taken alone or in
6 combination together, teach or suggest at least the indicated limitations of claim
7 35.

8 The Applicant has nonetheless carefully reviewed the two documents relied
9 upon the Office and submit the teachings discussed therein do not approach the
10 specific limitations of claim 35. Foremost, as earlier discussed in this document,
11 the RealPlayer G2 is not a Web browser; it is a media streaming interface. Its sole
12 purpose is to connect to sites that have media that can be streamed over a network,
13 such as the Internet. The only time the RealPlayer launches a Web browser is
14 after a user selects the search button related to the search field, or when a link is
15 selected in the display panel. The launching of the Web browser does not create a
16 radio client, or establish a shared memory between the radio client and a radio
17 server. The RealPlayer does not lend its media streaming capabilities to any Web
18 browser it launches. This type of functionality would defeat the need Real
19 Networks is trying to fill by way of the RealPlayer's media streaming
20 functionality.

21 For the reasons articulated above, Applicant respectfully submits that the
22 RealPlayer [supported by the Screenshots] and the Press Release, whether taken
23 alone or in combination together, fail to teach or suggest the limitations of claim
24 35. The dependent claims are allowable by virtue of their dependency on
25 independent claim 35.

1
2 **Claim 38 recites:**

3 *...a graphical user interface of a Web browser, the graphical user interface
4 of the Web browser including a radio toolbar having a play/stop button, a
5 mute button, a volume slider, a radio-stations button, and an information
6 status area, a method comprising:*

7 *inactivating the mute button if the computer system cannot modify
8 streaming media playback volume and activating the mute button
9 otherwise;*

10 *inactivating the volume slider if the computer system cannot modify
11 streaming media playback volume and activating the volume slider to
12 control the streaming media playback volume otherwise;*

13 *presenting a drop-down list that includes an "add station to
14 favorites" entry and a list of recently used radio stations upon user selection
15 of the radio-stations button... (Emphasis added.)*

16
17 A detailed discussion of the RealPlayer G2 is given earlier in this
18 Response. Moreover, Applicant has used the RealPlayer extensively in order to
19 determine its operational characteristics. Quite simply, the RealPlayer does not
20 appear to have the functionality that allows for "inactivating the mute button if the
21 computer system cannot modify streaming media playback volume and activating
22 the mute button otherwise," and/or "inactivating the volume slider if the computer
23 system cannot modify streaming media playback volume." If the Office wishes to
24 maintain the rejection of claim 38, Applicant respectfully requests that the Office

1 show where RealPlayer [supported by the Screenshots] and the Press Release
2 relied upon teach or suggest at least these limitations of claim 38.

3 For the reasons articulated above, Applicant respectfully submits that the
4 RealPlayer [supported by the Screenshots] and the Press Release, whether taken
5 alone or in combination together, fails to teach or suggest the limitations of claim
6 38. The dependent claims are allowable by virtue of their dependency on
7 independent claim 38.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

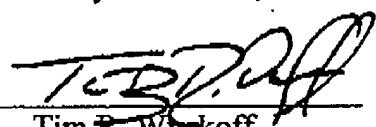
1 **Conclusion**

2 All pending claims, 22-42, are believed to be in condition for allowance.
3 Applicant respectfully requests reconsideration and prompt issuance of the present
4 application. **Should any issue remain that prevents immediate issuance of the**
5 **application, the Examiner is encouraged to contact the undersigned attorney**
6 **to discuss the unresolved issue.**

7 If necessary, the Commissioner is hereby authorized in this, concurrent, and
8 future replies, to charge payment or credit any overpayment to Deposit Account
9 No. 12-0769 for any additional fees required under 37 CFR §1.16 or under §1.17;
10 particularly, extension of time fees.

11
12
13
14 Respectfully Submitted,

15 Date: 9-2-2005

16 By: 
17 Tim R. Wyckoff
18 Lee & Hayes, PLLC
19 Reg. No. 46,175
20 (206) 315-4001 ext. 110

Appendix A

Re: Application Serial Number 09/411,171

RealPlayer G2 Screenshot

